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In re Application of

DERVAN, Peter B.

Application No.: 09/807354

PCT No.: PCT/US99/20489

Int. Filing Date: 10 September 1999

Attorney's Docket No.: 025098/0603

For: INHIBITION OF ONCOGENE TRANSCRIPTION
BY SYNTHETIC POLYMIDES

DECISION ON

PETITION

UNDER 37 CFR 1.137(b)

This is in response to the petition under 37 CFR 1.137(b), filed 10 April 2001, to revive the above-identified application.

The petition under 37 CFR 1.137 (b) is GRANTED.

BACKGROUND

On 10 September 1999, applicants filed international application PCT/US99/20489, which claimed priority of an earlier U.S. application, filed 11 September 1998. A Demand for international preliminary examination, in which the United States was elected, was timely filed on 11 April 2000. Accordingly, the thirty month period for paying the basic national fee in the United States expired at midnight on 11 March 2001.

On 10 April 2001, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1). Also accompanying the transmittal letter for entry into the national stage in the United States was a petition to revive an application for patent abandoned unintentionally under 37 CFR 1.137(b).

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, (2) the petition fee required by 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, and (4) a terminal disclaimer with disclaimer fee (only for utility and plant applications filed before 08 June 1995).

Regarding item (1), on 10 April 2001, applicants submitted the required reply for entry into the national stage in the United States i.e., the requisite basic national fee for a small entity of \$430.00.

Regarding item (2), on 10 April 2001, applicants submitted the petition fee required by 37 CFR 1.17(m) for a small entity of \$620.00.

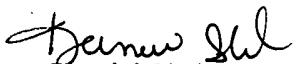
Regarding item (3), on 10 April 2001, applicants submitted a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Regarding item (4), because applicants filing date of 10 September 1999 is after 08 June 1995, the requirement of a terminal disclaimer with disclaimer fee is not applicable in this case.

CONCLUSION

The petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the National Stage Processing Branch of the International Division for treatment in accordance with this decision, that is for preparation and mailing of the Notification of missing requirement under 35 U.S.C. 371 (Form PCT/DO/EO/905) requiring oath or deceleration in compliance with 37 CFR 1.497(a)-(b) and submitting fee under 37 CFR 1.492(c).


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